

Chapter 8.90 is added to the Bridgeport Municipal Code, to read as follows:

**"Chapter 8.90**

**REGULATION OF THE MARKETING OF  
TOBACCO PRODUCTS TO CHILDREN**

**8.90.010 Short Title.**

This chapter shall be known and may be cited as the "Bridgeport Tobacco Marketing Ordinance."

**8.90.020 Purpose of Chapter.**

It is declared to be the public policy of the City to reduce the exposure of its children to the marketing of tobacco products in order to promote their health, safety and welfare. The City finds that the use of tobacco products has prevalent, material, and predictable deleterious impacts on the health of individuals and is therefore a significant threat to the public health of its inhabitants. Thousands of users of tobacco products and other individuals exposed to second-hand smoke die or are stricken with illnesses every year that are attributed to tobacco use. Tobacco advertising, whether intended to promote tobacco use or only to compete for market share, has the consequence of promoting tobacco use. Tobacco advertising helps significantly to induce children to initiate tobacco use. Children are more receptive than adults to the clever images and messages contained in tobacco advertising and are likely to purchase the most heavily-advertised brands. Exposure to tobacco marketing, adult smoking, and peer smoking are the greatest risk factors for teenage children that decide to smoke. Of these, exposure to marketing is the greatest risk factor. The prohibition on sales to children is useful but is insufficient alone to discourage tobacco use among children.

The City believes that additional measures must be taken to reduce the exposure of minors to tobacco advertising. Pursuant to the statutes of the State of Connecticut, the City has the power to regulate and prohibit any trade or business which is or may become prejudicial to public health and may make lawful regulations and ordinances in furtherance of public health. Therefore, to encourage the protection of the public health, the City seeks to reduce the exposure of children to tobacco sales, marketing and use by taking measures that include:

- (a) prohibiting certain outdoor advertising in public places and certain indoor advertising of tobacco products in places likely to be frequented by children;
- (b) prohibiting the sale of tobacco products in proximity to schools, parks and other locations frequented by children;
- (c) prohibiting certain tobacco marketing methods that are aimed at children or are likely to induce or encourage the use of tobacco products among children;
- (d) creating a permit system with penalties as a means of enforcing the requirements of this chapter on those who sell tobacco products; and

(e) prohibiting the use of tobacco products at all Bridgeport public schools.

#### **8.90.030 Definitions**

When used in this chapter, the following words and terms shall have the following meanings:

**"Public park"** shall mean any public park of the City of Bridgeport, whether designated as a park, parkland, open spaces or recreation areas on the Master Plan of the City of Bridgeport or on local zoning, assessment, engineering or Geographic Information System maps, as well as any other location used as a park within the City of Bridgeport.

**"Public place"** shall mean any public area, including public parks and public schools, where a tobacco advertisement is located or from which a tobacco advertisement on public or private property can be seen, including, but not limited exclusively to, advertisements on billboards, buildings, store fronts, public transportation vehicles including buses, taxicabs, ferry boats, government buildings, government real property, and tobacco advertisements at all places of public convenience frequented or likely to be frequented by children, including without limitation sports or entertainment facilities, fields and arenas open to the public, except for adult establishments such as bars, nightclubs and other places of public entertainment where children are excluded by law.

**"Public school"** includes all pre-school, elementary, intermediate and high schools, and all other schools that come under the jurisdiction of the Bridgeport Board of Education.

**"Tobacco" or "tobacco products"** shall mean all products containing tobacco or a tobacco derivative, including but not limited exclusively to, cigarettes, cigars, pipe tobacco, chewing tobacco, and so-called "smokeless" tobacco products, and products or merchandise sold, distributed or given away alone or in combination with other goods, services or merchandise which contains thereon the name brand, slogan, artwork, imagery, slogans or opinions of, or is associated with, the maker or distributor of tobacco products.

**"Tobacco advertisement"** shall mean the use of any promotional material in any media to market tobacco products or to promote tobacco use, including the sponsorship of sporting or entertainment events or the sponsorship of individual teams, entrants or competitors, advertising the sale or promoting the use of tobacco products in a public place, except retailers of tobacco products who may use tombstone advertising only after they obtain a tobacco marketing permit pursuant to this chapter; provided, however, that no tobacco advertisement, including a tombstone advertisement, may be located outside a retail location or be visible from a public street or sidewalk when such retail location is within 1,000 feet of a public school or public park.

**"Tobacco marketing permit" or "tobacco permit"** shall mean the permit specified herein which must be obtained from the Health Department by every person or entity which sells or offers for sale tobacco products directly to the public.

**"Tobacco sale"** shall mean the actual sale, including face-to-face sales and all self-service sales methods, and free distribution or giveaway of tobacco products alone or in combination with other goods, services, merchandise or marketing promotions, as well as the sale or distribution of individual cigarettes or cigars or the sale or distribution of a lesser number of cigarettes or cigars than the advertised count on a typical pack or container.

**"Tombstone advertisement"** shall mean the posting in public view of announcements as to the availability of tobacco products and the price thereof on a sign or signs that shall be in a black-and-white format only that does not contain logos, artwork, imagery, slogans or opinions about tobacco products or which promote the use thereof.

#### **8.90.40 Prohibited Practices**

- A. Tobacco advertisements are prohibited in public places as specified in this chapter.
- B. Tobacco sales are prohibited by vending machine or other self-vending methods except as permitted by Section 8.90.60, and are prohibited within 1,000 feet of any public school or public park as specified in this chapter.
- C. Marketing of tobacco products is prohibited in the locations, and in the manners, specified in this chapter.
- D. Tobacco sales are prohibited except in accordance with this chapter after obtaining a tobacco permit described in Section 8.90.60.
- E. Use of tobacco products is prohibited on public school property.

#### **8.90.60 Tobacco Marketing Permit Procedure**

- A. All tobacco sales by retailers which commence operations after the effective date of this chapter shall be made only after obtaining a tobacco marketing permit from the Health Department on a form provided and upon a demonstration of compliance with this chapter. All retailers existing prior to the effective date of this ordinance may continue to make tobacco sales until December 31, 1998. Starting January 1, 1999, all such retailers must obtain a tobacco marketing permit pursuant to this chapter.
- B. The permit fee shall be \$100.00 per calendar year, or a pro rata portion thereof based upon the number of months during the calendar year in which such retailer was in operation.
- C. The duration of a permit shall be for one calendar year.
- D. Violations of this chapter by a retailer shall be punishable by fine or revocation of the permit, as follows:
  - 1. Upon violation of this chapter, the Health Department shall issue a written warning or citation to the retailer specifying the violation of this chapter.
  - 2. If the retailer fails to demonstrate that the action complained of in the citation has been corrected to the satisfaction of the Health Department within five (5) business days of the date the citation was issued, a violation will then be issued for the action complained of.

3. A violation is punishable by a fine of One Hundred Dollars (\$100.00) per day pursuant to Chapter 1.12, Section 1.12.010 of the Municipal Code of Ordinances for each day that the action complained of was not corrected after the violation was issued, and such amount shall be paid to the Health Department within ten (10) business days of demand.
4. If a second violation is issued within the same calendar year, in addition to the monetary fine payable, the tobacco marketing permit shall be suspended for a period of thirty (30) calendar days, or until the last day of the calendar year, whichever occurs first.
5. If a third violation is issued within the same calendar year, in addition to the monetary fine payable, the tobacco marketing permit shall be suspended for one hundred eighty (180) days, or until the last day of the calendar year, whichever occurs first.
6. If a retailer has received three (3) or more violations in a calendar year, no tobacco marketing permit will be issued to such business for the next succeeding calendar year.

E. Violations of this chapter by an advertiser, marketer or promoter of tobacco products or promoting the use thereof, other than a retailer, shall be punishable by a fine of \$100.00 per day for each day that such violation continues beyond the tenth (10th) day after such violation is issued.

#### **8.90.60 Phase-In Applicable to Certain Businesses**

If a retailer or other business owner can demonstrate to the reasonable satisfaction of the Health Department within 60 days of the effective date of this chapter that it has entered into written agreements that existed on or before April 8, 1998, pertaining to the sale, advertisement, vending machine or other self-service sales method or other marketing of tobacco products that would otherwise be prohibited by this chapter, and further demonstrates that such written agreements would be materially violated or cancelled upon the enforcement of this ordinance against such retailer or business owner, the Health Department may issue an appropriate waiver of the strict enforcement of one or more of the provisions of this chapter, but only as to such specific business relationship, which waiver shall not be granted for a period in excess of two (2) years from the effective date hereof.

#### **8.90.70 Effective Date**

This chapter shall be effective upon passage."